

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

UNITED STATES OF AMERICA

v.

ALVARO ROMERO (1),  
ARTURO ELIZONDO (2),  
RICARDO AVILES (4),  
JOSE RUBIO-VILLEGAS (6),  
INES RUBIO-VILLEGAS (7),  
ALEXANDER ALONSO-MASCORRO (8),  
and SIDNEY ANTHONY WORRELL (10)

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CASE NUMBER 1:17-CR-00153-TH

**ORDER OVERRULING OBJECTIONS AND ADOPTING THE MAGISTRATE  
JUDGE’S REPORT AND RECOMMENDATION**


Pending before the court is the Government’s “Motion to Admit Text Messages and Cooperating Witness Testimony.” (Doc. No. 289.) The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to applicable laws and orders of this court. (Doc. No. 303.)

Essentially, the Government seeks an advisory opinion concerning the admissibility of certain evidence as a result of the court’s order suppressing all evidence seized as a result of certain wiretap orders. (Doc. No. 220.) Judge Hawthorn recommended that the court deny the Government’s motion as premature. (Doc. 311.)

Defendant Arturo Elizondo filed objections to the Report and Recommendation asking that the court address the merits of the Government’s motion. (Doc. Nos. 312.) On the same day, Elizondo also filed a stand-alone “Motion to Suppress” asking for suppression of the evidence the Government sought to admit. (Doc. No. 313.) Several co-defendants have joined in Elizondo’s motion, and it is currently set for a hearing before Judge Hawthorn on February 12, 2020. (Doc. No. 364.

Because the subject of the parties' motions is set for a hearing, Elizondo's objections (Doc. No. 312) are **OVERRULED** as premature. Accordingly, the Report and Recommendation (Doc. No. 311) is **ADOPTED**, and the Government's "Motion to Admit Text Messages and Cooperating Witness Testimony" (Doc. No. 289) is similarly **DENIED** as premature. Judge Hawthorn will address the merits of the Defendants' motions to suppress<sup>1</sup> along with the Government's response (Doc. No. 334) and will make a report and recommendation to the district court subject to *de novo* review following the forthcoming hearing. *See* 28 U.S.C. § 636(b)(1)(C).

**SIGNED** this the 5 day of February, 2020.

  
Thad Heartfield  
United States District Judge

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<sup>1</sup> Elizondo filed a "Motion to Suppress Text Messages and Cooperating Witness Testimony" on August 5, 2019. (Doc. No. 313.) Defendant Alonso-Mascorro also filed a motion to suppress on August 8, 2019. (Doc. No. 315.) Ines Rubio-Villegas (Doc. No. 317), Jose Rubio Villegas (Doc. No. 319), Ricardo Aviles (Doc. No. 320), and Alvaro Romero (Doc. No. 365) have pending motions to join Defendant Elizondo's Motion to Suppress.